IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

Bail Appl..No. 6510 of 2007

(AGAINST THE CRIME NO. 120/2005 OF NATTUKAL POLICE STATION, PALAKKAD DIST.)

PETITIONER/ACCUSED NO.9

SHRI.NOORUDEEN, AGED 36 YEARS,
S/O.ABDUL RAHIMAN, PALIYATHAZHATH HOUSE,
OORAKAM DESOM, THRISSUR - DISTRICT.

BY ADV. SRI.M.H.HANIL KUMAR
SRI.A.P.VASAVAN

RESPONDENTS: COMPLAINANT/STATE

1. SUB INSPECTOR OF POLICE,
NATTUKAL POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN- 682 031.

2. CIRCLE INSPECTOR OF POLICE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN-682 031.

3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6510 of 2007

Dated this the 29th day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations in a crime registered under Section 395 I.P.C. The alleged incident took place on 24.06.05. The victim, who was travelling in a K.S.R.T.C bus carrying with him hawala money was allegedly pulled out of the bus by a group of miscreants who on receipt of prior information chased the bus. He was dragged out of the bus. Robbery was committed. In the course of investigation, on the basis of the confession of the co-accused, the petitioner was brought into the array of accused as per report dated 4.4.06. The petitioner could be arrested only on 1.10.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has unnecessarily been dragged into this case. The petitioner, who has remained in custody from 1.10.07, may now be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that all available indications including the confession of the co-accused and the petitioner himself

do point to his complicity. The petitioner has criminal antecedents also. At this early stage of investigation, the petitioner may not be enlarged on bail. The Investigating Officer may be given reasonable time after the arrest of the accused in a serious crime like this to complete the investigation, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am satisfied that there is merit in the opposition by the learned Public Prosecutor. The fact that some of the co-accused have already been released on bail after their arrest long earlier is no reason for this Court now to consider the bail application of the petitioner favourably. Such release would hamper the smooth course of the investigation.

5. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 12.11.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-